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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/316,795

05/21/1999

RONALD P. SANSONE

E-846

8309

919 7590 02/03/2009

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EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RONALD SANSONE, FRAN BLACKMAN,
DANIEL DLUGOS, LEON PINTSOV,
DENIS STEMMLE and FRANCIS HINES

Application No. 09/316,795
Technology Center 3600

Mailed: February 3, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith

Application No. 09/316,795

being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, HEADINGS

A review of the file indicates that the Appeal Brief filed March 5, 2008, does not comply with 37 CFR § 41.37(c) because it does not contain all required heading items. Specifically, 37 CFR § 41.37 (c)(1) requires the following heading items in the following order:

- (i) *Real party in interest.*
- (ii) *Related appeals and interferences.*
- (iii) *Status of claims.*
- (iv) *Status of amendments.*
- (v) *Summary of claimed subject matter.*
- (vi) *Grounds of rejection to be reviewed on appeal.*
- (vii) *Argument.*
- (viii) *Claims appendix.*
- (ix) *Evidence appendix.*
- (x) *Related proceedings appendix.*

An in-depth review of the Appeal Brief indicates that the following sections are missing from the Appeal Brief filed March 5, 2008:

- 1) “Evidence Appendix”, and
- 2) “Related Proceedings Appendix”.

A substitute brief that is in compliance with § 41.37(c) is required. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on March 5, 2008 defective;
- 2) notify Appellant to file a paper properly addressing the appendices;
- 3) acknowledge and consider the communication filed by Appellant to correct the appendices; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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